

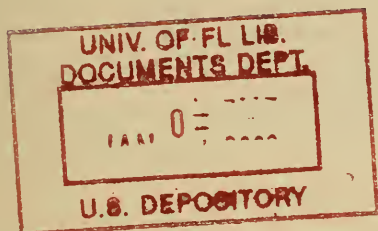
NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION

FOR THE

AIR TRANSPORT INDUSTRY

AS APPROVED ON DECEMBER 10, 1934



UNITED STATES
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Approved Code No. 111—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

AIR TRANSPORT INDUSTRY

As Approved on December 10, 1934

ORDER

APPROVING AMENDMENTS OF CODE OF FAIR COMPETITION FOR THE AIR TRANSPORT INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an Amendment to Article VII of the Code of Fair Competition for the Air Transport Industry and opportunity to be heard having been afforded to all interested parties and any objection filed having been duly considered and the annexed report on said Amendment containing findings with respect thereto having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate by reference said annexed report and does find that the Code, as constituted after being amended, complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said Amendment be and it is hereby approved and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

L. H. PEEBLES,
Acting Division Administrator.

WASHINGTON, D. C.,
December 10, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,

The White House.

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act for an Amendment to the Code of Fair Competition for the Air Transport Industry, the purpose and effect of the Amendment being the addition of Sections 4 (a), 4 (b), 4 (c), 5, 6 and 7 to Article VII of the Code covering Fair Trade Practice provisions. Public Hearing on this amendment was held in Washington, D. C. on September 25, 1934.

This amendment is submitted in the form as revised in accordance with objections received. The Amendment limits the amount of baggage that may be carried free of charge, and among other things deals with restriction of the issuance of free or reduced fare transportation without unduly limiting the right of any member of the Industry to utilize such free or reduced fare transportation for educational purposes.

FINDINGS

The Deputy Administrator in his final report to us on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

We find that:

(a) The amendment to said Code and the Code as amended is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the afore-said amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, this amendment has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

DECEMBER 10, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE AIR TRANSPORT INDUSTRY

The Code of Fair Competition for the Air Transport Industry shall be amended by adding to Article VII Sections 4 (Subsections a, b, c), 5, 6, and 7 as follows:

4a. All articles carried as private luggage of passengers (whether carried in the baggage compartment or by the passenger in the cabin), shall be considered as baggage and weighed and charged for as such.

b. Free Baggage Allowance: Thirty-five (35) pounds of baggage for each passenger shall be carried free of charge. This provision does not apply to services within either the territories and last point of departure or first point of landing in the continental United States.

c. Charge for Excess Baggage: Baggage in excess of thirty-five (35) pounds for each passenger shall be charged for at the tariff rate for such baggage. No more than fifty pounds of baggage per passenger shall be carried, except by special arrangement in each individual case. This provision does not apply to services within either the territories of Alaska or Hawaii or between such territories and last point of departure or first point of landing in the continental United States.

5. No member of the industry shall knowingly withhold information requested concerning air transportation facilities, or knowingly give inaccurate information concerning such facilities.

6. No member of the industry shall defame a competitor by falsely imputing to him dishonorable conduct, inability to perform contracts, questionable credit standing, or by falsely disparaging the character of his personnel or operation methods or the quality of his equipment or services.

7. No member of the industry shall, after December 10, 1934, directly or indirectly issue or give any free or reduced fare transportation to passengers, except (1) to Federal Government employees traveling on Government request for Transportation (Form 1030); (2) persons traveling on the carrier's business, its employees, its officers and directors, surgeons, physicians and attorneys, and the immediate families of employees (the immediate family of an employee to include only wife or husband, children, parents, sisters and brothers); (3) when on official business, to Post Office inspectors and officials, Bureau of Air Commerce inspectors and officials, Custom House inspectors, Immigration inspectors, Air Transport Code Authority officials and employees, and National Recovery Administration officials traveling on Air Transport Code Authority business; (4) witnesses in connection with any legal matters in which the carrier is interested; (5) persons injured in accidents and physicians and nurses attending such persons; PROVIDED, however, that this

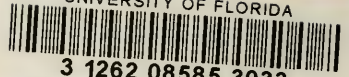
provision shall not be construed to prohibit the interchange of passes for the officers, directors and employees of carriers by air and the immediate families of employees as described above; nor to prohibit any carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation; nor to prohibit the issuance of free transportation for educational purposes on regular scheduled flights not to exceed one hundred (100) miles or to the next scheduled stop beyond one hundred (100) miles.

Free passes may also be granted for scheduled flights in excess of a round trip from the point of origin to the next regular scheduled stop beyond one hundred (100) miles on any route, for educational purposes, after fifteen (15) days from the mailing date of notice in writing by the member of the industry in question to the Air Transport Code Authority. Non-scheduled flights for educational purposes may be granted within the discretion of any member of the industry. Educational purposes as herein used means any purpose which clearly serves to demonstrate the merits of air transportation to the public and which may reasonably be expected to increase air traffic at full tariff rates. Any agreement made in writing for free transportation, prior to December 10, 1934, by any member of the industry, shall not be considered a violation of the provisions of this section. The provisions of this Section shall not apply to services within either the territories of Alaska or Hawaii or between such territories and last point of departure or first point of landing in the continental United States.

Approved Code No. 111—Amendment No. 2.
Registry No. 1741-2-04.



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